

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL ACTION NO. 1:15-CV-166**

MARY ELLEN REUTHER,

Plaintiff,

v.

CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER

BEFORE THE COURT is Plaintiff's "Consent Motion for Fees Under the Equal Access to Justice Act 28 U.S.C. § 2412(d)(1)(A)." (Docs. 13-14). Plaintiff asks for an award of attorney's fees in the amount of \$5,612.38 paid directly to plaintiff's counsel pursuant to the assignment signed by Ms. Reuther. (Doc. 13-1). Plaintiff also requests that costs in the amount of \$420.19 be taxed to the United States. The United States consents to both the \$5,612.38 award and the \$420.19 in costs.

Pursuant to the power of this Court to award fees to a prevailing party other than the United States incurred by that party in a civil action against the United States, including proceedings for judicial review of agency action, under the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d)(1)(A), and in light of this Court's January 27, 2016 order remanding this case to the Commissioner for further administrative proceedings **IT IS HEREBY ORDERED** that the Court will award attorney's fees in the amount of \$5,612.38 and tax costs to the United States, pursuant to 28 U.S.C. § 2412(a), in the amount of \$420.19. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.

Pursuant to the United States Supreme Court's ruling in *Astrue v. Ratliff*, 130 S. Ct. 1251 (2010), these attorney's fees are payable to Plaintiff as the prevailing party and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the government. If, subsequent to the entry of this Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney's fees to offset, the Commissioner may honor Plaintiff's July 2015 signed assignment of EAJA fees, providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If, however, Plaintiff is discovered to owe the government any debt subject to offset, the Commissioner shall pay any remaining attorney's fee to Plaintiff's counsel in accordance with the above agreement.

Signed: April 20, 2016

A handwritten signature in black ink, reading "Richard L. Voorhees", written over a horizontal line.

Richard L. Voorhees
United States District Judge

